

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

JUL 21 2003

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JAMES RUSSELL BERGEN,  
CURT R. CARLSON, RAKESH KUMAR and SAWHNEY S. HARPREET

Application No. 08/970,889

RECEIVED

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

JUL 24 2003

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

This application was received at the Board of Patent Appeals and Interferences on June 23, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

A paper entitled "Petition For Consideration Of Disclosure Statement under 37 C.F.R. 1.97(d)," (IDS), was filed December 4, 2001 (Paper Number 18).

Application No. 08/970,889

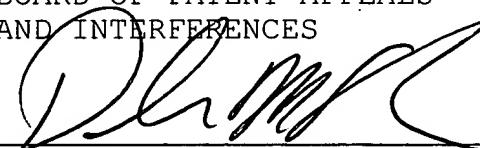
There is no indicator on the record, that the IDS was considered by the examiner criteria set forth in 37 CFR §§ 1.97 and 1.98. A written in accordance with the communication notifying appellant of the examiner's decision is required.

Accordingly, it is

**ORDERED** that the application is returned to the examiner for appropriate consideration of the IDS, written response to appellants, and for any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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DMS/dpv  
RA03-0421

Application No. 08/970,889

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